

**CLOSED**

MAY 25 2005

**FILED**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MAY 25 2005  
CLERK OF COURT  
U. S. DISTRICT COURT  
EASTERN MICHIGAN

GHIADA AHMED,

Petitioner,

v.

Case No. 05-71841

HON. MARIANNE O. BATTANI

CAROL JENIFER,

Respondent.

**ORDER VACATING STAY OF REMOVAL AND TRANSFERRING CASE**

Before the Court is the Government's "Motion to Dismiss Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, or in the Alternative to Transfer the Case; and Motion to lift Stay of Removal" (Doc. #4). Petitioner initiated this habeas corpus action on May 10, 2005. Three days later, the Court entered an order (Doc. #2) that temporarily stayed Petitioner's removal and directed the government to respond.

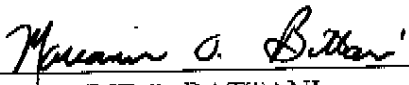
On May 11, 2005, the REAL ID Act of 2005, H.R. 1268, 109th Cong. (2005) (enacted), Pub. L. No. 109-13, Div. B. 119 Stat. 231, was enacted. The statute represents a "marked departure from historical immigration law practice," I.N.S. v. St. Cyr, 533 U.S. 289 at 290 (2001), as it eliminates the jurisdiction of federal district courts to hear habeas corpus challenges to removal, deportation, or exclusion orders. As a result, the only forum for an immigrant to bring a habeas challenge is the court of appeals. Since the stay of removal in the instant case was entered after the REAL ID Act was enacted, the Court lacked jurisdiction to issue the stay. Accordingly, the stay is hereby **VACATED**.

Section 106 of the REAL ID Act indicates that 28 U.S.C. § 2241 cases, such as this, that were pending on the date of enactment must be transferred to the court of appeals. Accordingly,



the Court **TRANSFERS** this case to the United States Court of Appeals for the Sixth Circuit. Petitioner has ten days from the date of this order to file a motion to reinstate any portion of this case that does not challenge the order of removal, deportation, or exclusion.

**IT IS SO ORDERED.**

  
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MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATED: May 25, 2005



**CERTIFICATE OF SERVICE**

Copies of this Order were mailed and/or electronically delivered to Susan K. DeClercq,  
Noel J. Saleh, and Rajat P. Kuver on this date.

  
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DEPUTY CLERK